

107TH CONGRESS  
1ST SESSION

# S. 835

To establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 4, 2001

Mr. LEVIN (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Detroit River Inter-  
5       national Wildlife Refuge Establishment Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the Detroit River, 1 of North America’s  
9       greatest rivers, was created about 14,000 years ago  
10      during the retreat of the Wisconsin Glacier;

1           (2) the present river channel, established when  
2           falling water levels permitted erosion of the lake  
3           plain and moraines, is a connecting channel linking  
4           the upper and lower Great Lakes, as well as linking  
5           the United States and Canada;

6           (3)(A) the lower Detroit River ecosystem is  
7           unique, with a number of distinct channels, numer-  
8           ous shoals that support dense stands of aquatic  
9           plants, and many islands; and

10          (B) the unique habitats and ecological features  
11          attract as many as 29 species of waterfowl and 65  
12          species of fish;

13          (4)(A) the Detroit River is a major migration  
14          corridor for fish, butterflies, and raptors and other  
15          birds in addition to waterfowl; and

16          (B) more than 300 species of bird have been  
17          documented in the Detroit-Windsor area, of which  
18          about 150 species breed in the immediate area;

19          (5)(A) because the Great Lakes are situated at  
20          the intersection of the Atlantic and Mississippi  
21          flyways, the Detroit River is an important waterfowl  
22          migration corridor; and

23          (B) 3,000,000 ducks, geese, swans, and coots  
24          migrate annually through the Great Lakes region;

1           (6) the importance of the corridor is recognized  
2           in the Canada-United States North American Wa-  
3           terfowl Management Plan, which identifies the De-  
4           troit River as part of 1 of 34 Waterfowl Habitat  
5           Areas of Major Concern in the United States and  
6           Canada;

7           (7) approximately 300,000 diving ducks stop in  
8           the lower Detroit River on their fall migration from  
9           Canada to the east and south each year to rest and  
10          feed in beds of water celery;

11          (8) the international importance of the lower  
12          Detroit River area is manifested in the designation  
13          of the 460-acre Wyandotte National Wildlife Refuge  
14          by Public Law 87–119 (16 U.S.C. 668dd note);

15          (9)(A) Canada’s Canard River Marsh Complex,  
16          an internationally significant waterfowl staging area,  
17          is 1 of the main resting and feeding areas for can-  
18          vasbacks migrating from their nesting grounds in  
19          the Canadian prairies to the east coast; and

20          (B) many canvasbacks winter in the area as  
21          well;

22          (10)(A) the diversity of biota and habitats in  
23          the lower Detroit River ecosystem provides substan-  
24          tial benefits to the more than 5,000,000 people who  
25          live in the vicinity;

1 (B) the lower Detroit River has an international  
2 reputation for duck hunting; and

3 (C) sales related to waterfowl hunting, birding,  
4 photography, and other nonconsumptive uses of wa-  
5 terfowl contribute hundreds of millions of dollars an-  
6 nually to the regional economy;

7 (11)(A) more than 1,000,000 pleasure boats  
8 are registered in Michigan, and about half of those  
9 are used on the Detroit River and Lake St. Clair,  
10 in part to fish for the estimated 10,000,000 walleye  
11 that migrate to the Detroit River from Lake Erie  
12 each spring to spawn; and

13 (B) the walleye have helped create an inter-  
14 nationally renowned sport fishery estimated to bring  
15 in \$1,000,000 to the economy of communities along  
16 the lower Detroit River each spring;

17 (12)(A) all of the natural resource values and  
18 socioeconomic benefits described in the preceding  
19 paragraphs were acclaimed when the Detroit River  
20 was designated as an American Heritage River in  
21 1998; and

22 (B) the Detroit River is also a Canadian Herit-  
23 age River, making it the first international heritage  
24 river system in the world;

1           (13) the Detroit River has lost over 95 percent  
2           of its coastal wetland habitats, and despite increased  
3           awareness and supporting science of the importance  
4           of the habitats, the habitats continue to be destroyed  
5           and degraded; and

6           (14) protection of remaining wildlife habitats  
7           and restoration of degraded wildlife habitats is es-  
8           sential to sustaining the quality of life enjoyed by so  
9           many people living along the Detroit River.

10 **SEC. 3. DEFINITIONS.**

11       In this Act:

12           (1) DETROIT RIVER.—The term “Detroit  
13           River” means the land and water within the area de-  
14           scribed in section 4.

15           (2) REFUGE.—The term “Refuge” means the  
16           Detroit River International Wildlife Refuge estab-  
17           lished by section 4(a).

18           (3) SECRETARY.—The term “Secretary” means  
19           the Secretary of the Interior.

20           (4) STATE.—The term “State” means the State  
21           of Michigan.

22 **SEC. 4. ESTABLISHMENT OF REFUGE.**

23       (a) BOUNDARIES.—There is established the Detroit  
24       River International Wildlife Refuge, consisting of the land  
25       and water in the State within the area extending from the

1 point in Michigan directly across the river from the north-  
 2 ernmost point of Ojibway Shores to the southern bound-  
 3 ary of Sterling State Park, as depicted on the map entitled  
 4 “Detroit River International Wildlife Refuge Proposed”  
 5 and dated \_\_\_\_\_, 2001.

6 (b) MAP.—The Secretary shall keep a map of the  
 7 Refuge available for inspection in appropriate offices of  
 8 the United States Fish and Wildlife Service.

9 (c) WYANDOTTE NATIONAL WILDLIFE REFUGE.—

10 (1) INCLUSION.—The area described in sub-  
 11 section (a) includes the Wyandotte National Wildlife  
 12 Refuge.

13 (2) REPEAL OF ACT ESTABLISHING WYAN-  
 14 DOTTE NATIONAL WILDLIFE REFUGE.—Public Law  
 15 87–119 (16 U.S.C. 668dd note) is repealed.

16 (3) REFERENCES.—Any reference in a law, reg-  
 17 ulation, map, document, paper, or other record of  
 18 the United States to the Wyandotte National Wild-  
 19 life Refuge shall be deemed to be a reference to the  
 20 Refuge.

21 (d) BOUNDARY REVISIONS.—The Secretary may  
 22 make such minor revisions to the boundaries of the Refuge  
 23 as are appropriate to carry out the purposes of the Refuge  
 24 and to facilitate the acquisition of land, water, and inter-  
 25 ests in land or water within the Refuge.

1 (e) ACQUISITIONS.—

2 (1) IN GENERAL.—The Secretary may acquire  
3 by donation, purchase with donated or appropriated  
4 funds, or exchange the land, water, and interests in  
5 land or water (including conservation easements)  
6 within the Refuge.

7 (2) CONSENT.—No land, water, or interest in  
8 land or water may be acquired without the consent  
9 of the owner.

10 (f) TRANSFERS FROM OTHER AGENCIES.—Any  
11 property located within the Refuge that is under the ad-  
12 ministrative jurisdiction of another Federal agency may,  
13 with the concurrence of the head of the agency, be trans-  
14 ferred without consideration to the administrative jurisdic-  
15 tion of the Secretary.

16 **SEC. 5. ADMINISTRATION.**

17 (a) APPLICABLE LAW.—

18 (1) IN GENERAL.—The Secretary shall admin-  
19 ister all federally owned land, water, and interests in  
20 land or water within the Refuge in accordance with  
21 the National Wildlife Refuge System Administration  
22 Act of 1966 (16 U.S.C. 668dd et seq.) and this Act.

23 (2) OTHER AUTHORITY.—The Secretary may  
24 use such additional statutory authority as is avail-  
25 able for the conservation of fish and wildlife and the

1 provision of fish- and wildlife-oriented recreational  
2 opportunities as the Secretary considers appropriate  
3 to carry out this Act.

4 (b) COMMUNITY CHARACTERISTICS.—In admin-  
5 istering the Refuge, the Secretary shall conserve, restore,  
6 and enhance the native aquatic and terrestrial community  
7 characteristics of the Detroit River (including associated  
8 fish, wildlife, and plant species).

9 (c) PURPOSES.—The purposes for which the Refuge  
10 shall be managed are—

11 (1) to protect the remaining high-quality fish  
12 and wildlife habitats of the Detroit River before the  
13 habitats are lost to further development;

14 (2) to restore and enhance degraded wildlife  
15 habitats associated with the Detroit River;

16 (3) to cooperate in international efforts to con-  
17 serve, restore, and manage the fish and wildlife habi-  
18 tats associated with the Detroit River in the United  
19 States and Canada; and

20 (4) to encourage cooperation in facilitating  
21 partnerships among the United States Fish and  
22 Wildlife Service, Canadian national and provincial  
23 authorities, State and local governments, local com-  
24 munities in the United States and in Canada, con-  
25 servation organizations, and other non-Federal enti-



1       ties to promote public awareness of the resources of  
2       the Detroit River.

3       (d) PRIORITY USES.—In providing opportunities for  
4       compatible fish- and wildlife-oriented recreation, the Sec-  
5       retary shall ensure, to the maximum extent practicable,  
6       that the Refuge is used for priority uses under—

7               (1) the National Wildlife Refuge System Ad-  
8       ministration Act of 1966 (16 U.S.C. 668dd et seq.);  
9       and

10              (2) the National Wildlife Refuge System Im-  
11       provement Act of 1998 (16 U.S.C. 668dd note; Pub-  
12       lic Law 105–312).

13       (e) HUNTING AND FISHING.—

14              (1) IN GENERAL.—The Secretary shall permit  
15       hunting and fishing on Federal land and water with-  
16       in the Refuge in accordance with applicable Federal  
17       and State law.

18              (2) LIMITATIONS.—The Secretary may des-  
19       ignate zones where, and establish periods when,  
20       hunting or fishing shall not be permitted for reasons  
21       of public safety, administration, fish and wildlife  
22       management, or public use and enjoyment.

23              (3) REGULATIONS.—Except in an emergency,  
24       any regulation promulgated by the Secretary under  
25       this subsection shall become effective only after con-

1 sultation with the fish and wildlife agency of the  
2 State.

3 (f) COOPERATIVE AGREEMENTS REGARDING NON-  
4 FEDERAL LAND.—The Secretary may—

5 (1) enter into cooperative agreements with the  
6 State, or a political subdivision of the State, and  
7 with any other person or entity for the management  
8 in a manner consistent with this Act of land or  
9 water owned by the State, political subdivision, or  
10 other person or entity and located within the Refuge;

11 (2) promote public awareness of the resources  
12 of the Refuge; and

13 (3) encourage public participation in the con-  
14 servation of the resources of the Refuge.

15 (g) USE OF EXISTING GREENWAY AUTHORITY.—The  
16 Secretary shall encourage the State to use authority under  
17 section 206 of title 23, United States Code, to provide  
18 funding for acquisition and development of trails within  
19 the Refuge.

20 **SEC. 6. INDEMNIFICATION.**

21 (a) IN GENERAL.—If—

22 (1) a person donates to the United States in fee  
23 simple real property located within the Refuge;

24 (2) the appropriate State official determines  
25 that the property meets applicable State standards

1        regarding the presence of hazardous substances, pol-  
2        lutants, contaminants, petroleum, or petroleum de-  
3        rivatives; and

4            (3) the President determines that the acquisi-  
5        tion of the property by the United States will fur-  
6        ther the purposes of the Refuge and is otherwise in  
7        the public interest;

8        the President may hold harmless, defend, and indemnify  
9        the person in full from any suit, demand, action, liability,  
10       judgment, cost, or fee arising out of any claim or order  
11       that results from, or is predicated on, the release or  
12       threatened release of any hazardous substance, pollutant,  
13       contaminant, petroleum, or petroleum derivative on the  
14       property.

15        (b) **TIMING.**—Indemnification under subsection (a)  
16       may be provided at the time at which the owner of the  
17       property conveys the property to the United States.

18       **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19        There are authorized to be appropriated such sums  
20       as are necessary for—

21            (1) the acquisition of land, water, and interests  
22        in land or water within the Refuge; and

23            (2) the development, operation, and mainte-  
24        nance of the Refuge.

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